HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 174 (S/S) OF 2004

Km. Bhagwati Negi D/o Sri Man Singh Negi
At present working as Assistant Revenue Accountant
(Wasil Vaki Navis) Tehsil Office, Bageshwar,
District Bageshwar. .....Petitioner

Versus

1. State of Uttaranchal through Principal Secretary, Revenue, Uttaranchal Sashan, Dehradun.
2. Commissioner, Kumaon Mandal, Nainital.
3. District Magistrate, Bageshwar ..... Respondents

19.08.2006

Sri M.C. Kandpal, Counsel for the petitioner and Standing Counsel for the respondents no.1 to 3

Hon'ble Rajesh Tandon, J.

Heard Sri M.C. Kandpal, Counsel for the petitioner and Standing Counsel for the respondent no.1 to 3.

2. By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to regularize the petitioner on the post of Assistant Revenue Account (Seasonal Assistant Wasil Vaki Navis) in the Department in the Tehsil Office, Bageshwar.

3. Briefly stated, according to the petitioner, he was initially appointed on the post of Seasonal Assistant, Wasil Vaki Navis/ Assistant Revenue Accountant in Tehsil Office, Bageshwar by the District Magistrate, Bageshwar from 02.01.1998 to 31.03.1998 at the pay scale of Rs.950-1500.

4. Further the petitioner has submitted that since the joining the service on 01.01.1998, petitioner was continuously working on the said department with the artificial breaks from time to time. Petitioner was allowed to work form 01.01.2004 to 31.03.2004.

5. A perusal of the letter dated 05.10.2002 issued by the Prabhari Adhikari (Collection) on behalf of District Magistrate, Bageshwar shows that two post of Junior clerks generally called Seasonal Assistant Revenue Accountant are vacant in the department. Out of the aforesaid two posts, one is reserved for SC and another is reserved for General Category.

6. The petitioner has submitted that so many representations i.e. dated 10.06.02, 25.07.03, 23.12.03 & 06.02.04 before the respondent authority were filed for regularizing the service of the petitioner in the department. The District Magistrate had considered his request for regularizing the service of the petitioner and in this regard, he has sent a letter to the Chief Revenue Commissioner, Uttaranchal, Dehradun for the regularization of the petitioner.

7. Petitioner has referred the Government order dated 09.06.2006, the relevant portion of the said G.O. is quoted below :-

> “fo"k;& mRrjkapy ds ioZrh; {ks=ksa esa fu;fer laxzg vehu] laxzg pijklh ,ao lgk;d okfly ckdh uohl ds inksa dk l`tu djus ds lEcU/k esaA
>
> 4- mi;qZDr deZpkfj;ksa dks mijksDr osrueku esa osru ds vfrfjDr le;≤ ij 'kklu }kjk Lohd`r njksa ij eagxkbZ rFkk vU; HkRrs] tks Hkh vuqeU; gks] ns; gksaxsA
>
> 5- mijksDr in fuEufyf[kr 'krksZ @ izfrcU/kksa ds v/khu Lohd`r fd;s tk jgs gS %&
>
> ¼d½ 'kklukns’k tkjh gksus dh frfFk ls e.Myk;qDrksa dks in l`ftr

fd;s tk jgs **tuinksa@rglhyksa** esa lhtuy laxzg LVkQ ds inksa dh Lohd`fr iznku djus dk vf/kdkj lekIr gks tk;sxkA

¼nks½ vehuksa dk ioZrh; {ks=ksa esa olwyh dk ekud :0 6-50 yk[k ds LFkku ij :0 8-00 yk[k dj fn;k tk;sxkA

¼rhu½ Hkfo"; esa le;≤ ij olwyh dk ekud izfr vehu bl rjg ls fu/kkZfjr fd;k tk;sxk fd bu v'kkldh; ns;ksa dh olwyh ij 'kklu dks dksbZ /kujkf'k O;; u djuh iMs vFkok U;wure /kujkf'k gh 'kklu dks ogu djuh iMsA

¼pkj½ l`ftr fd;s x;s inksa ij mUgha lhtuy deZpkfj;ksa dk fu;ferhdj.k @ fu;qfDr dh tk;sxh ftudh ewy fu;qfDr mijksDr ioZrh; rglhyks@ tuinksa esa lhtuy deZpkjh ds :Ik esa gqbZ gksA

¼ikWp½ lhtuy laxzg vehuksa dk fu;ferhdj.k mRrj izns'k laxzg vehu lsok fu;ekoyh] 1974 ;;Fkk la'kksf/kr rFkk mRrjkapy esa ;Fkk izo`Rr) ds v/khu dh xbZ O;oLFkk ds vUrxZr fd;k tk;sxk fdUrq izfrcU/k ;g gksxk fd izFke ckj 'kr izfr'kr inks dks lhtuy laxzg vehuksa }kjk gh Hkjk tk;sxkA ;fn lhtuy laxzg vehuksa esa ls vkj{k.k lqfuf'pr ugha gks ikrk gS rks vkjf{kr

vo’ks"k inksa dks lh/kh HkrhZ ls Hkjk tk;sxkA”

8. In view of the above, the authority concerned is directed to consider the representations of the petitioner filed from time to time in accordance with the aforesaid G.O. within a period of six weeks from the date of production of the certified copy of this order.

9. Subject to the aforesaid observation, the writ petition is disposed of.

19.08.2006 **(Rajesh Tandon, J.)**
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